



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, COUNCIL 93

Petitioner

v.

TOWN OF HUDSON, BOARD OF SELECTMEN

Respondent

CASE NO. A-0525

DECISION NO. 86-42

APPEARANCES

Representing Council 93, AFSCME

James Guyett, N.H. Representative

Representing the Town of Hudson

Gary W. Wulf, Chief Negotiator

Also in Attendance

- Alice Monchamps, Acting Administrator
Kevin C. Burns, Truckdriver/Laborer
Carla Anger, Operations Assistant/Dispatcher
Edward Lamper, Interim Road Agent

BACKGROUND

The American Federation of State, County and Municipal Employees, Council 93 (Union), on April 10, 1986 filed a petition for certification of all full-time and permanent part-time employees of the Highway Department, Town of Hudson; i.e., general foreman, mechanic, equipment operators, truckdriver/laborers, sewer and drain foreman, operations assistant/dispatcher and laborers with the only exclusion, the department head.

The Town of Hudson (Town) through its representative filed exceptions to the petition as filed on the basis that (1) the term "permanent part-time" lacks definition and status within 273-A and there is no agreed qualifier between the parties as to the minimum of hours which would qualify as covered employment; (2) the general foreman as a supervisory employee should be excluded; (3) the operations assistant/dispatcher could be excluded as a confidential employee; and, (4) there currently is no employee in the "department head" classification on a permanent/continuing basis.

A unit determination hearing was held in the PELRB (Board) office on May 20, 1986 with both parties represented.

FINDINGS OF FACT

1. Petitioner, AFSCME Council 93, met the requirements under RSA 273-A:10 by the timely filing of a petition with individual signature cards from at least thirty percent of the employees of the bargaining unit seeking recognition indicating their desire to be represented by Council 93 exclusively in collective bargaining.
2. Both parties agreed that the permanent part-time category should be deleted as the position did not exist; the Town hires, other than full-time, only seasonal and on-call employees, as needed, and such employees are exempt under 273-A:1, IX (d).

The Town agreed that should they hire permanent part-time employees in the future, a modification of the unit would be in order.

3. A new form of government was chartered as of January, 1986 and an administrator is to be hired who will in turn appoint a Director of Public Works and other officers, as necessary, to administer all departments established by Council.
4. The Town rejected the Union's request to sit down and attempt to resolve the composition of the unit because of the new charter and the uncertainty of future position titles.
5. The position of general foreman and operations assistant/dispatcher for the Highway Department is unfilled and employees who held those positions are currently, jointly, filling the position vacated by the Road Agent.

The former general foreman is now "Acting Road Agent" in charge of operations and the former operations assistant/dispatcher is currently "Acting Assistant Road Agent" in charge of administration.

Both employees have been advised that their acting positions were temporary and that the positions would be terminated upon appointment of a Public Works Director.

6. The former general foreman position, although in charge of assignments to the highway crews, did operate various pieces of equipment and worked along with the crews on sewer projects, street cleaning, snowplowing, etc.
7. The former operations assistant/dispatcher did all the clerical work for the department; typing, receiving and processing complaints, and all other routine work as a clerk-dispatcher with no access to personnel files under the administration of the former road agent.
8. All copies of personnel records are kept at the Town Hall but copies of the records for Highway Department employees are also kept in the Department under locked files. Time cards are prepared at the Highway Department but forwarded to Town Hall for payroll preparations.
9. Two sets of job descriptions exist for the "secretary" "operations assistant/dispatcher" and the Town agreed that the description of "Secretary" on file in the Town Hall includes under #9 and #10 the duties of the operations assistant/dispatcher.

DECISION AND ORDER

After review of the evidence and testimony presented, the Board finds that the general foreman's supervisory duties were not significant enough to warrant his exclusion from the bargaining unit and that the "secretary" operations assistant/dispatcher duties were not confidential within the meaning of the Act; she has not in the past and would not of necessity be involved in labor relations matters.

- A. A unit is hereby created for "All full-time employees of the Highway Department, Town of Hudson, N.H." with the exception of Public Works Director, Acting Road Agent and Acting Assistant Road Agent.
- B. An election to determine if the employees wish to be represented by Council 93, AFSCME, will be held by PELRB as expeditiously as possible.



ROBERT E. CRAIG, Chairman
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 2nd day of July, 1986

By unanimous vote. Chairman Robert E. Craig, presiding. Members Richard E. Molan, Richard W. Roulx and Seymour Osman present and voting. Also present, Executive Director, Evelyn C. LeBrun.